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means for transmitting at least a portion of said contextual information to a service provider to purchase a recording of said audio programming.

Please add the following new claims.

31. (new) The method of claim 1, wherein said service provider has said recording shipped to the user.

32. (new) The receiver of claim 5, wherein a service provider transmits said broadcast signal, said service provider having said recording shipped to the user.

33. (new) The method of claim 15, wherein said service provider has said recording shipped to the user.

34. (new) The receiver of claim 22, wherein said service provider transmits said broadcast signal, said service provider having said recording shipped to the user.

REMARKS

This is in full and timely response to the non-final Office Action mailed on November 6, 2002. Reexamination in light of the amendments and the following remarks is respectfully requested.

Claims 1-2, 5-7, 10, 13-17, 19-22, 24-25, and 27-34 are currently pending in this application, with claims 1, 5, 15, and 22 being independent. No new matter has been added.

Rejection under 35 U.S.C. 112

Claims 1, 2, 15-17, 19-21, 27, 29 rejected under 35 U.S.C. 112, first paragraph.

The Office Action contends that the claimed method was not adequately written in the description since there is no drawing that clearly describes the steps for the method in the claims.

This rejection is traversed at least for the following reasons.

"Section 112 requires only an objective enablement; the invention needs to be sufficiently disclosed through illustrative examples or terminology to teach those of ordinary skill in the art how to make and how to use the invention as broadly as it is claimed" (emphasis added). *Musco Corp. v. Qualite Inc.*, 41 USPQ2d 1954 (Fed. Cir. 1997). See also M.P.E.P §§2164.01, 2164.04.

"A specification disclosure which contains a teaching of the manner and process of making and using the invention in terms

which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as in compliance with the enabling requirement of the first paragraph of Section 112 unless there is reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support" (emphasis added). *Fiers v. Revel*, 25 USPQ2d 1601, 1607 (Fed. Cir. 1993).

The specification as originally filed discloses a method of providing listeners with information about audio programming being digitally broadcast that includes combining a data signal carrying contextual information about said audio programming with an audio signal carrying said audio programming (page 9, lines 13-15); receiving said combined data and audio signals from a service provider with a receiver (page 11, lines 1-3); separating said data and audio signals (page 11, lines 3-5); transducing said audio signal into audible sound (page 11, lines 10-13); displaying said contextual information about said audio programming on a display device of said receiver (page 11, lines 14-16); storing at least a portion of said contextual information of said data signal onto a removable memory medium (page 13, lines 3-8); transmitting a purchase signal to said service provider indicating an order to purchase a recording of said audio programming that is indicated by said contextual information being displayed on said display device (page 15,

lines 10-15). Thus, the claimed invention is fully enabled, as shown above.

Withdrawal of these rejections and allowance of the claims is respectfully requested.

Rejection under 35 U.S.C. 103

Claims 1 and 2 were rejected under 35 U.S.C. 103 as allegedly being obvious over U.S. Patent 5,239,540 issued to Rovira et al. (Rovira) in view of U.S. Patent No. 6,212,359 issued to Knox, and in further view of U.S. Patent No. 5,345,430 issued to Moe.

Claims 5-7, 10-13 were rejected under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of Knox, and in further view Moe, and in further view of U.S. Patent 5,694,162, issued to Freeny, Jr. (Freeny).

Claims 14-17, 19-22, 24-30 were rejected under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of Knox, and in further view Takahisa et al. and in further view of U.S. Patent 5,579,537, issued to Takahisa (Takahisa '537).

These rejections are respectfully traversed for at least the following reasons.

As an initial matter, the features of claim 12 have been wholly incorporated into claim 5 to form amended claim 5, and claims 11-12 have been canceled without prejudice or disclaimer of their underlying subject matter. Thus, prior claim 12 is now amended claim 5.

In addition, the features of claim 26 have been wholly incorporated into claim 22 to form amended claim 22, and claims 26 has been canceled without prejudice or disclaimer of their underlying subject matter. Thus, prior claim 26 is now amended claim 22.

Note that if the allowance of at least amended claims 5 and 22 is not forthcoming and new grounds of rejection made against those claims, then a new non-final Office Action is respectfully requested.

Further note that the rejection of claims 1 and 2 under 35 U.S.C. 103 as allegedly being obvious over Rovira in view Knox, and in further view of Moe includes an admission that the combination of Rovira and Knox fails to clearly indicate the storing portion of contextual information in a removable memory medium, and provide Moe for this deficiency. But while claim 27 is dependent upon claim 1, the rejection of claim 27 fails to

apply the Moe reference to reject that claim. In this regard, the Office Action lacks clarity, warranting another non-final Office Action to clarify this discrepancy.

The rejection of claims 5-7, 10-13 under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of Knox, and in further view Moe, and in further view of Freeny refers to "Logan." However, Logan has not been provided within the statement of the rejection. In this regard, the Office Action lacks clarity, warranting another non-final Office Action to clarify this discrepancy.

In addition, the statement of the rejection includes "in further view Takahisa et al. and in further view of Takahisa (US 5,579,537)." This statement of the rejection lacks clarity since it is unclear if two Takahisa references are intended, or if only one Takahisa reference is intended and a typographical error exists within the statement of the rejection. See M.P.E.P. §707, 8th Edition, August 2001.

Within the claims a purchase signal is transmitted to a service provider. The purchase signal indicates an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device. This feature is not found within the cited prior art.

Specifically, Rovira arguably teaches a method and apparatus for transmitting, receiving and communicating digital data. However, Rovira fails to disclose, teach or suggest a purchase signal is transmitted to a service provider, wherein the purchase signal indicates an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device, as claimed.

Knox arguably teaches a wireless transceiver system for digital music. However, Knox fails to disclose, teach or suggest a purchase signal is transmitted to a service provider, wherein the purchase signal indicates an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device, as claimed.

Moe arguably teaches a recovery recorder system. However, Moe fails to disclose, teach or suggest a purchase signal is transmitted to a service provider, wherein the purchase signal indicates an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device, as claimed.

Freeny arguably teaches a method for automatically changing broadcast programs. However, Freeny fails to disclose, teach or

suggest a purchase signal is transmitted to a service provider, wherein the purchase signal indicates an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device, as claimed.

Takahisa arguably teaches a broadcast system with associated data capabilities. However, Takahisa fails to disclose, teach or suggest a purchase signal is transmitted to a service provider, wherein the purchase signal indicates an order to purchase a recording of the audio programming that is indicated by the contextual information being displayed on the display device, as claimed.

The Office Action states that the combination of Rovira and Knox the storage of at least a portion of the contextual information of the data signal onto a removable memory medium. However, the Office Action cites Moe for the features deficient in the cited prior art.

In response, figure 1 of Logan arguably depicts program data 107, usage data 109, receiver 103 and display 118. Nevertheless, Logan fails to disclose, teach or suggest displaying contextual information of the data signal on a display device 118 and storing at least a portion of the contextual information onto a

removable memory medium.

Withdrawal of these rejections and allowance of the claims is respectfully requested.


Conclusion

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753 or the undersigned attorney at the below-listed number.

Respectfully submitted,

DATE: February 6, 2003

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APPENDIX

IN THE CLAIMS

Please cancel claims 11-12 and 26 without prejudice or disclaimer of their underlying subject matter.

Please amend the claims as follows.

1. (amended) A method of providing listeners with information about audio programming being digitally broadcast comprising:

combining a data signal carrying contextual information about said audio programming with an audio signal carrying said audio programming;

receiving said combined data and audio signals from a service provider with a receiver;

separating said data and audio signals;

transducing said audio signal into audible sound;

displaying said contextual information about said audio programming ~~of said data signal~~ on a display device of said receiver; ~~and~~

storing at least a portion of said contextual information of said data signal onto a removable memory medium;

transmitting a purchase signal to said service provider indicating an order to purchase a recording of said audio

programming that is indicated by said contextual information
being displayed on said display device.

2. The method of claim 1, further comprising broadcasting said combined data and audio signals as a digital radio signal.

3. (canceled).

4. (canceled).

5. (amended) A receiver for receiving a broadcast signal which is an audio signal and a data signal combined, said data signal containing contextual information about audio programming carried by said audio signal, said receiver comprising:

a transceiver for receiving said broadcast signal;

a signal processor for separating said audio and data signals;

an audio output device for outputting said audio signal;

a memory cartridge for storing at least a portion of said contextual information of said data signal, wherein said memory cartridge is a removable memory cartridge;

a connection between said processor and a service provider
over which at least a portion of said contextual information may
be transmitted to identify particular audio programming to said
service provider;

a user input device for controlling transmission of said contextual information over said connection to said service provider and for generating requests to be transmitted to said service provider to purchase a recording of said particular audio programming.

6. The receiver of claim 5, further comprising a display device for displaying said contextual information of said data signal.

7. The receiver of claim 6, further comprising a user input device for controlling said display of said contextual information on said display device.

8. (canceled).

9. (canceled).

10. The receiver of claim 5, further comprising a user input device for controlling said storage of contextual information in said memory cartridge and accessing stored contextual information in said memory cartridge.

11. (canceled).

12. (canceled).

13. (amended) The receiver of claim ~~11~~5, further comprising a memory device for storing said audio programming and said contextual information received over said connection from said service provider.

14. (amended) The receiver of claim ~~11~~5, wherein said connection to said service provider is a wireless connection.

15. (amended) A method for receiving a broadcast signal which is an audio signal and a data signal combined, said data signal containing contextual information about audio programming carried by said audio signal, said method comprising:

receiving said broadcast signal from a service provider with a transceiver;

separating said audio and data signals with a signal processor;

outputting said audio signal; ~~and~~

storing at least a portion of said contextual information of said data signal in a removable memory cartridge;

transmitting a purchase signal to said service provider indicating an order to purchase a recording of said audio programming that is indicated by said contextual information being displayed on said display device.

16. The method of claim 15, further comprising a displaying said contextual information of said data signal with a display device.

17. The method of claim 16, further comprising controlling said display of said contextual information on said display device with a user input device.

18. (canceled).

19. The method of claim 15, further comprising purchasing a recording of said audio programming by transmitting at least a portion of said contextual information to a service provider to identify said audio programming.

20. The method of claim 19, wherein said transmitting to a service provider is performed by wirelessly transmitting to said service provider.

21. The method of claim 15, further comprising:
transmitting at least a portion of said contextual information to a service provider to identify said audio programming; and

receiving from said service provider additional contextual information for said audio programming.

22. (amended) A receiver for receiving a broadcast signal which is an audio signal and a data signal combined, said data signal containing contextual information about audio programming carried by said audio signal, said receiver comprising:

means for receiving said broadcast signal;

means for separating said audio and data signals;

means for outputting said audio signal;

means for displaying said contextual information of said data signal; and

means for storing at least a portion of said contextual information of said data signal, wherein said storing means is removable;

means for transmitting at least a portion of said contextual information to a service provider to purchase a recording of said audio programming.

23. (canceled).

24. The receiver of claim 22, further comprising means for controlling said display of said contextual information on said display device.

25. The receiver of claim 22, further comprising means for storing at least a portion of said contextual information of said data signal.

26. (canceled).

27. The method of claim 1, wherein said step of storing further includes storing said audio programming onto said removable memory medium.

28. The receiver of claim 5, wherein said removable memory cartridge stores said audio programming and said at least said portion of said contextual information of said data signal.

29. The method of claim 15, wherein said step of storing further includes storing said audio programming in said removable memory cartridge.

30. The receiver of claim 22, wherein said storing means stores said audio programming and said at least said portion of said contextual information of said data signal.

Please add the following new claims.

31. (new) The method of claim 1, wherein said service provider has said recording shipped to the user.

32. (new) The receiver of claim 5, wherein a service provider transmits said broadcast signal, said service provider having said recording shipped to the user.

33. (new) The method of claim 15, wherein said service provider has said recording shipped to the user.

34. (new) The receiver of claim 22, wherein said service provider transmits said broadcast signal, said service provider having said recording shipped to the user.